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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,577	01/26/2001	Larry A. Brocious	6169-145	7601

7590

06/02/2003

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EXAMINER

SMITS, TALIVALDIS IVARS

ART UNIT

PAPER NUMBER

2654

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DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/770,577

Applicant(s)  
Larry A. Brocious et al.

Examiner  
Talivaldis Ivars Smits

Art Unit  
2654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The title of the invention is not sufficiently descriptive, and also because it refers to portable devices which are not claimed. A new title is required that is more clearly indicative of the invention to which the claims are directed.

### *Claim Objections*

2. Claims 1, 6, and 9 are objected to because of the following informalities: Though they recite "speech recognition", they do not recite that the claimed user input is spoken. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 2, 4, 7-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Christopher A. Baker *et al.* (U.S. Patent 6,405,172, filed September 9, 2000).

Baker *et al.* teach:

- receiving a spoken input specifying an attribute of a selection, specifying one or more characters (col. 2, lines 12-14);
- comparing said user input with a set of speech recognition selections, limiting said selections to those corresponding to user input (col. 3, lines 1-5);
- matching the utterance with the available set of selections (col. 3, lines 42-45); and
- inherently repeating the process with further user input.

***Claim Rejections - 35 USC § 103***

5. Claims 3, 5, 6, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker *et al.*, as applied to claims 1, 2, 4, 7-10, and 12.

As per claims 3, 6, and 11, Baker *et al.* do not explicitly teach notifying a user when the available set of selections is consistent with predetermined selection criteria, since they inherently are. However, it would have been obvious to one of ordinary skill at the time of invention to do such user notification to let her know that this is the case and also what the criteria are, to assure her that the recognition process has not encountered any problems. The rest of claim 6 recites limitations that are the same or similar as those in claims 1, 7, and 9, and so are rejected for the same reasons.

As per claims 5 and 13, Baker *et al.* do not teach inputting a spoken word or a phrase for recognition. However, the examiner takes Official Notice that this is old and notoriously well-known in the speech recognition art. Therefore, it would have been obvious to one of ordinary skill at the time of invention to also allow input of words or phrases to limit the recognition candidates, so as to make the system more versatile.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Christian Lindholm *et al.* (EP 0 961 263, published December 1, 1999) also teach narrowing down speech recognition candidates by inputting a single letter or several letters. The examiner also wishes to call attention to the large number of pertinent U. S. Patents listed in the References Cited portion of Baker *et al.*

7. **Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
(non-fee Amendments should be directed to: Mail Stop Non-Fee)

**or FAXed to:**

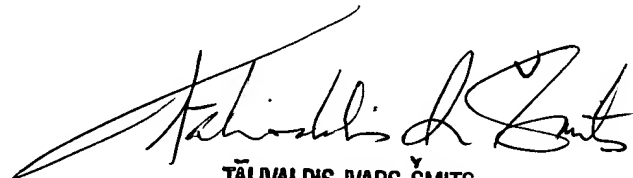
(703) 872-9314 (please label *formal* communications  
"OFFICIAL"; please label *informal* or draft communications,  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 2,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Talivaldis Ivars Smits, whose telephone number is (703) 306-3011. The examiner can normally be reached Mondays-Fridays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold, can be reached on (703) 305-4379. The facsimile phone number for Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 customer service, whose telephone number is (703) 306-0377.



TĀLIVALDIS IVARS ŠMITS  
PRIMARY EXAMINER

Art Unit 2654  
May 29, 2003